

UNITED STATES OF AMERICA,)	CASE NO. 8:02CR353
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
BARRY RENFOLD COOLEY,)	
)	
Defendant.)	

Motion to Amend

Motion to Extend and to Compel

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2255 motion, the government shall file a brief “answer” indicating defense counsel’s response and requesting an evidentiary hearing.

IT IS ORDERED:

1. The Defendant’s motion to amend his § 2255 motion (Filing No. 617) is denied;

2. The Clerk shall strike the Defendant’s proposed amended § 2255 motion (Filing No. 618);

3. The government’s motion to extend (Filing No. 620) is granted, and the government shall answer the § 2255 motion on or before December 19, 2007, appropriately as described above;

4. The motion to compel (Filing No. 620) is granted in part and denied in part as follows. Defense counsel shall respond to the government’s inquiries necessary for the government to work with defense counsel either discussing each issue raised in the original § 2255 motion or, alternatively, alert the government’s attorney that defense counsel declines to respond;

5. If the government files an answer discussing the allegations raised, the Defendant may file a response on or before January 21, 2008. If, however, the government notifies the Court that defense counsel has chosen not to assist the government in presenting a meaningful response to the allegations of ineffective assistance of counsel, this matter will be scheduled for an evidentiary hearing without any further briefing by the Defendant;

6. The Clerk is directed to mail a copy of this order to the Defendant at his last known address; and

7. The Clerk is directed to mail a copy of this order to defense counsel at his last known address, return receipt requested.

DATED this 6th day of December, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge